

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

CIVIL NO.: 12-cv-02039

MOTION IN COMPLIANCE WITH ORDER AT DOCKET 2037

MAY IT PLEASE THE COURT:

COME NOW, Codefendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau ("PRPB"), through the undersigned attorneys, and very respectfully state and pray:

1. On May 23, 2022, this Honorable Court issued Order at Docket 2037. At page 5, the Order states:

No later than July 22, 2022 the parties and the Monitor will provide comments to the Court regarding the observations and recommendations of the OSM that are noted above, to include specifically addressing how the expenditures identified in the attachments are related to the Police Reform Case, and provide the Court with recommendations for future fiscal oversight

2. In compliance with the Order of the Court, the Reform Office made a detailed study and evaluation of each one of the 117 expenditures identified in Exhibits 1, 2 and 3 of the Order at Docket 2037. The Reform Office compiled the findings and prepared a report that was distributed to the parties and Court Officers in this case on July 13, 2022. The report consisted of

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a thorough chart containing: i) a description of each expenditure; ii) a justification for the expenditure; and iii) the reference to the paragraph of the Consent Decree in this case related to the expenditure. PRPB's report reveals that 109 of the 117 expenditure entries noted by the Special Master were justified as Reform related expenses.

3. The USDOJ provided comments in writing to the report on July 17, 2022. Among other things, the USDOJ posed questions regarding specific expenditures in the report for each of the FY's 2019, 2020 and 2021. The USDOJ also presented inquiries regarding current protocol and procedures for Reform funds' fiscal oversight.

4. PRPB provided responses to the USDOJ inquiries the following day, July 18, 2022, including a description of the current procedure for the use of funds from the Reform budget. The USDOJ responded the following day, July 19, 2022. In its response, the USDOJ included four initiatives to improve the control and oversight of Reform spending. The initiatives were:

- a. Developing a written protocol or directive to supplement General Order 208 that outlines the specific steps that are required to request, review, certify, and use reform funding. The protocol or directive should specify the role of the Reform Office and provide guidance on the appropriate use of reform funding in light of PRPB's operating budget and other funding sources;
- b. Developing an implementation plan before the start of each fiscal year that includes budget needs to help prioritize requests for use of reform funding throughout the fiscal year;
- c. Establishing a process for reviewing and commenting on PRPB's monthly expenditure reports by the Parties, Monitor, and Special Master that includes time frames for raising questions or concerns and resolving them; and
- d. Conducting external audits of PRPB's use of reform funding on at least a quarterly basis and submitting the results of the audits and PRPB's response to any adverse findings to the Court.

5. Also, the Commonwealth had an opportunity to discuss the report in a telephone call with the Office of the Monitor.

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6. The report was discussed in a virtual conference among the parties of the case and Court Officers on Tuesday, July 19, 2022. All parties had a productive discussion about PRPB's expenditures report, but specially and mainly focusing on prospective measures to ensure sound fiscal oversight of the use of Reform funds. The USDOJ recommendations were discussed in the conference as well. The Commonwealth respectfully understands that all parties in the conference, including the Special Master, were satisfied with the report and with the comprehensive nature of the information presented.

7. In the following days to the virtual conference, the parties had the opportunity to further discuss and refine specific observations and recommendations that could be presented to the Court regarding future fiscal oversight of Reform funds. The USDOJ memorialized such recommendations in its "Motion in Compliance with Order at Docket 2037 Concerning the Commonwealth's Use of Special Reform Funding in Fiscal Years 2019-21", filed earlier today at Docket 2098, pages 5 to 8. The updated USDOJ recommendations are:

- a. Develop a written protocol or directive to supplement General Order 208;
- b. Develop a spending plan to prioritize compliance needs;
- c. Establish a review process for monthly expenditures; and
- d. Conduct periodic audits of PRPB's use of special reform funding.

8. The Commonwealth fully endorses and concurs with the USDOJ recommendations. The Commonwealth understands that the Monitor also agrees with the USDOJ proposals. It is the position of the Commonwealth that these initiatives will allow and ensure the healthy administration of public funds and the appropriate use of reform funds.

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WHEREFORE, Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau, respectfully request this Honorable Court to take notice of the above and deem its Order at Docket 2037 as complied with.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

In San Juan, Puerto Rico, this 22th day of July 2022.

For Defendants COMMONWEALTH OF PUERTO RICO and PUERTO RICO POLICE BUREAU:

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